DOCUMENT RESUME

ED 408 759 EC 305 630

AUTHOR Weishaar, Mary Konya
TITLE How Beginning Teachers Can Defend IEP Decisions in a Due Process Hearing.
PUB DATE Apr 97
NOTE 7p.; Paper presented at the Annual Convention of the Council for Exceptional Children (75th, Salt Lake City, UT, April 9-13, 1997).
PUB TYPE Guides - Non-Classroom (055) -- Speeches/Meeting Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Beginning Teachers; *Disabilities; *Due Process; Elementary Secondary Education; Hearings; *Inclusive Schools; *Individualized Education Programs; Mainstreaming; Student Needs; *Student Placement

ABSTRACT

This paper lists five principles to consider that will enable beginning teachers to defend Individualized Education Program (IEP) decisions for students with disabilities in due process hearings. The first principle urges teachers to consider placing children with disabilities in regular education with supplemental aids and services when making placement decisions. A five-factor balancing test is provided that asks teachers to consider the educational benefits of placing the child in a full-time education program, the non-academic benefits, the effect the child would have on the teacher and other students, and the placement's costs. The second and third principles state that decisions should be made in the child's best interests and should always be individualized, and that general education teachers who will have a child with a disability in his/her class should be fully aware of the nature and extent of the child's IEP. The fourth principle highlights the need for a full continuum of services to be available. The final principle urges teachers to use the IEP to document the placements considered, the rationales for rejection of placements, and the rationale for the recommended placement. Each of the principles includes a list of questions for self-assessment for compliance with the principle. (CR)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 408 759

How Beginning Teachers Can Defend IEP Decisions in a Due Process Hearing

Council for Exceptional Children Convention
April, 1997
Salt Lake City, Utah

Dr. Mary Weishaar, Assistant Professor
Department of Special Education and Communication Disorders
Southern Illinois University at Edwardsville
Box 1147
Edwardsville, Il 62026

BEST COPY AVAILABLE

Principle #1

Placement decisions should include consideration of regular education with supplemental aids and services.

Self-Assessment

1. Can education in the regular classroom with supplementary aids and services be achieved satisfactorily? The discussion might include expectations in the regular classroom and the student's ability to meet those expectations with or without assistance. If no, then:

2. Has the district mainstreamed the student to the maximum extent appropriate?

3. Have steps been taken to accommodate the student in the regular class? If no steps have been attempted, there is a concern. In addition, steps should be more than token steps.

4. Is there educational benefit to the student with a disability in the regular class? The discussion might focus on the nature and the severity of the disability and the curriculum of the regular class. The team should look beyond academic achievement benefit alone and consider social benefit and language modeling benefit.

5. What might be the affect of the student with a disability on other students in the classroom? Considerations should include monopolizing the teacher and/or aide time and disruption to other students.

Also Consider Four-Factor Balancing Test

1. Educational benefits of placing the child in a full-time regular education program.

2. The non-academic benefits of such a placement.

3. The effect the child would have on the teacher and the other students in the class.

4. The costs associated with this placement.

Principle #2

Decisions should be made in the child's best interest (i.e., most appropriate) and should always be individualized.

Self-Assessment

1. What are the child's special needs as stated in the most recent evaluation?
2. What goals do I think will address these special needs? What do I think the child can accomplish in one year?
3. What supplementary aids, classroom services and/or related services are needed to carry out these goals?
4. Have I clearly stated my opinion in regard to the above questions?

Principle #3

At a minimum, make sure that the general education teacher who will have a child with a disability in his/her class is fully aware of the nature and extent of the child's IEP.

Self-Assessment

1. Has the regular education teacher been invited to the IEP meeting? Ideally, all teachers would fully participate in the development of the child's IEP.

2. If the regular teacher is unable to attend, have I provided a copy of the child's IEP to him/her?

3. Have I scheduled time to talk to the regular teacher to explain the IEP?

4. Do I have a mechanism (e.g., checklist) to ensure ongoing support and consultation for the regular teacher?

Principle #4

A full continuum of services should be available.

Self-Assessment

1. Am I suggesting a particular configuration of services for a child because of my current caseload or existing schedule? For example, am I suggesting that a child receive 45 minutes of reading because I schedule that amount of time for reading? Time scheduled for services should be based on time needed to implement goals, not on convenience.
2. Am I willing to be flexible in scheduling and delivery of services?
3. Can I identify one different and appropriate manner of delivering services outside of my current structure?
4. Is the service that I am suggesting for a child based on the child's individual needs (and goals)?

Principle #5

Document placements considered, rationales for rejection of placements and the rationale for the recommended placement on the IEP.

Self-Assessment

1. What placements were considered for the child?
2. What precludes the child from placement in a regular class or facility?
3. Why can't supplementary aids and services be used to educate the student in the regular class?
4. For placements considered and rejected, why were the placements rejected?

Note

If you can't answer the self-assessment questions, think twice about removing the child from the regular classroom!